

CHAPTER 87

PROFESSIONS AND OCCUPATIONS

SENATE BILL 17-134

BY SENATOR(S) Tate, Aguilar, Baumgardner, Fields, Hill, Kagan, Kerr, Merrifield, Moreno, Neville T., Grantham;
also REPRESENTATIVE(S) Herod and Nordberg, Becker K., Gray, Lawrence, Melton, Valdez, Van Winkle, Williams D.

AN ACT

CONCERNING THE EXCLUSION OF CERTAIN AREAS OF AN ALCOHOL BEVERAGE LICENSEE'S OPERATION IN THE APPLICATION OF PENALTIES FOR CERTAIN VIOLATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-47-601, **amend** (1) and (3)(b); and **add** (7.5) as follows:

12-47-601. Suspension - revocation - fines. (1) ~~SUBJECT TO SUBSECTION (7.5) OF THIS SECTION, in addition to any other penalties prescribed by this article~~ **ARTICLE 47** or article 46 or 48 of this ~~title~~ **TITLE 12**, the state or any local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke, **IN WHOLE OR IN PART**, any license or permit issued by such authority for any violation by the licensee or by any of the agents, servants, or employees of ~~such~~ **THE licensee of the provisions of this article** article 47; ~~or any of the rules or regulations authorized pursuant to~~ **BY this article** **ARTICLE 47**; or of any of the terms, conditions, or provisions of the license or permit issued by such authority. Any licensing authority has the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing that the licensing authority is authorized to conduct.

(3) (b) ~~SUBJECT TO SUBSECTION (7.5) OF THIS SECTION, the fine accepted shall be the equivalent to twenty percent of the licensee's estimated gross revenues from sales of alcohol beverages during the period of the proposed suspension; except that the fine shall~~ **MUST be not less than** BETWEEN two hundred ~~dollars~~ **dollars** ~~not more than~~ **AND** five thousand dollars.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(7.5) (a) THE FOLLOWING APPLIES ONLY IF THE LICENSING AUTHORITY HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF SECTION 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A SALES ROOM FOR A LICENSEE OPERATING PURSUANT TO SECTION 12-47-402 (2) OR (6), 12-47-403 (2)(e), OR 12-47-406 (1)(b):

(I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS REVENUES OF THE RETAIL SALES OF THE SALES ROOM WHERE THE VIOLATION OCCURRED, AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE; EXCEPT THAT THE FINE MUST BE BETWEEN TWO HUNDRED AND FIVE THOUSAND DOLLARS; AND

(II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT SHALL LIMIT ANY SUSPENSION TO THE DESIGNATED PREMISES FOR THE SALES ROOM WHERE THE VIOLATION OCCURRED, AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE. IN THE CASE OF A TEMPORARY SALES ROOM FOR NOT MORE THAN THREE CONSECUTIVE DAYS, THE LICENSING AUTHORITY SHALL APPLY A SUSPENSION ISSUED IN ACCORDANCE WITH THIS SECTION ONLY TO FUTURE TEMPORARY SALES ROOMS AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE.

(b) THE FOLLOWING APPLIES ONLY IF THE LICENSING AUTHORITY HAS DECIDED TO IMPOSE A SUSPENSION FOR A VIOLATION OF SECTION 12-47-901 (1)(a), (1)(a.5), OR (5)(a)(I) THAT OCCURS IN A RETAIL ESTABLISHMENT FOR LICENSEES OPERATING PURSUANT TO SECTION 12-47-415, 12-47-420, OR 12-47-424:

(I) IF THE LICENSING AUTHORITY DECIDES TO ACCEPT A FINE IN LIEU OF A LICENSE SUSPENSION, THE LICENSING AUTHORITY SHALL ONLY INCLUDE IN THE COMPUTATION OF THE FINE THE ESTIMATED GROSS REVENUES OF THE RETAIL ACTIVITIES OF THE LICENSEE, AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE; EXCEPT THAT THE FINE MUST BE BETWEEN TWO HUNDRED AND FIVE THOUSAND DOLLARS; AND

(II) IF THE LICENSING AUTHORITY DECLINES TO ACCEPT A FINE, IT SHALL LIMIT ANY SUSPENSION TO THE RETAIL ACTIVITIES OF THE LICENSEE, AND NOT ANY MANUFACTURING OR WHOLESALE ACTIVITIES OF THE LICENSEE.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: March 30, 2017